

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 661  
Committee Substitute Favorable 4/26/23

Short Title: Emergency Services Peer Counseling Privilege.

(Public)

Sponsors:

Referred to:

April 18, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXPAND THE SCOPE OF VARIOUS PEER SUPPORT GROUP COUNSELOR  
3 PROVISIONS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 8-53.10 reads as rewritten:

6 "**§ 8-53.10. Peer support group counselors.**

7 (a) Definitions. – The following definitions apply in this section:

8 (1) Client law enforcement employee. – Any law enforcement employee or a  
9 member of his or her immediate family who is in need of and receives peer  
10 counseling services offered by the officer's employing law enforcement  
11 agency.

12 (1a) Emergency personnel officer. – Firefighting, search and rescue, or emergency  
13 medical service personnel, or any employee of any duly accredited State or  
14 local government agency possessing authority to enforce the criminal laws of  
15 the State who (i) is actively serving in a position with assigned primary duties  
16 and responsibilities for the prevention and detection of crime or the general  
17 enforcement of the criminal laws of the State and (ii) possesses the power of  
18 arrest by virtue of an oath administered under the authority of the State.

19 (1b) Corrections employee. – Any corrections employee or a member of his or her  
20 immediate family who is in need of and receives peer counseling services  
21 offered by the employee's corrections agency.

22 (2) Immediate family. – A spouse, child, stepchild, parent, or stepparent.

23 (3) Peer counselor. – Any active or retired law enforcement officer, corrections  
24 officer, emergency personnel officer, or civilian employee of a law  
25 enforcement agency who agency, corrections agency, or emergency agency  
26 who meets both of the following criteria:

27 a. Has received training to provide emotional and moral support and  
28 counseling to client law enforcement employees, corrections  
29 employees, emergency personnel officers, and their immediate  
30 families.

31 b. ~~Was~~ Has been designated by ~~the a~~ sheriff, police chief, or other head  
32 of a law ~~enforcement or enforcement, corrections, or emergency~~  
33 agency to counsel a provide counseling to client law enforcement  
34 employee-employees, corrections employees, and emergency  
35 personnel officers.



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- 1 (4) Privileged communication. – Any communication made by a client law  
2 enforcement employee, corrections employee, emergency personnel officer,  
3 or a member of the client law enforcement ~~employee's~~employee's, corrections  
4 employee's, or emergency personnel officer's immediate family to a peer  
5 counselor while receiving counseling.
- 6 (a1) Nothing in this section shall be construed to require either of the following in order  
7 for the privilege established by this section to apply:
- 8 (1) That the peer counselor be specifically assigned to counsel the client law  
9 enforcement employee, corrections employee, emergency personnel officer,  
10 or member of the client employee's or officer's immediate family receiving  
11 the counseling.
- 12 (2) That the designation as a peer counselor required by sub-subdivision b. of  
13 subdivision (3) of subsection (a) of this section be made by the head of the  
14 same agency that employs the client law enforcement employee, corrections  
15 employee, or emergency personnel officer.
- 16 (b) A peer counselor shall not disclose any privileged communication that was necessary  
17 to enable the counselor to render counseling services unless one of the following apply:
- 18 (1) The disclosure is authorized by the client or, if the client is deceased, the  
19 disclosure is authorized by the client's executor, administrator, or in the case  
20 of unadministrated estates, the client's next of kin.
- 21 (2) The disclosure is necessary to the proper administration of justice and, subject  
22 to G.S. 8-53.6, is compelled by a resident or presiding judge. If the case is in  
23 district court the judge shall be a district court judge, and if the case is in  
24 superior court the judge shall be a superior court judge.
- 25 (c) The privilege established by this section shall not apply:
- 26 (1) If the peer counselor was an initial responding officer, a witness, or a party to  
27 the incident that prompted the delivery of peer counseling services.
- 28 (2) To communications made while the peer counselor was not acting in his or  
29 her official capacity as a peer counselor.
- 30 (3) To communications related to a violation of criminal law. This subdivision  
31 does not require the disclosure of otherwise privileged communications  
32 related to an officer's use of force.
- 33 (d) Notwithstanding the provisions of this section, the peer counselor privilege shall not  
34 be grounds for failure to report suspected child abuse or neglect to the appropriate county  
35 department of social services, or for failure to report a disabled adult suspected to be in need of  
36 protective services to the appropriate county department of social services. Notwithstanding the  
37 provisions of this section, the peer counselor privilege shall not be grounds for excluding  
38 evidence regarding the abuse or neglect of a child, or an illness of or injuries to a child, or the  
39 cause thereof, or for excluding evidence regarding the abuse, neglect, or exploitation of a disabled  
40 adult, or an illness of or injuries to a disabled adult, or the cause thereof, in any judicial  
41 proceeding related to a report pursuant to the Child Abuse Reporting Law, Article 3 of Chapter  
42 7B, or to the Protection of the Abused, Neglected, or Exploited Disabled Adult Act, Article 6 of  
43 Chapter 108A of the General Statutes."

44 **SECTION 2.** This act is effective when it becomes law and applies retroactively to  
45 communications made on or after July 8, 2022.